

Following a Work Session meeting, the Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with Councilmembers Simillion, Stone, Smits and Duba present along with City Attorney Landwehr, City Manager Collins, City Clerk Davidson, Public Works Director Coleman, City Engineer Zerger, Finance Director Hanson, Police Chief Keehne, Parks & Recreation Director Ampietro, Community Development Director Westbay, City Planner Antonucci, many interested citizens and the press. WSC Intern Johnston was absent.

Consideration of Minutes:**Regular Session Minutes of August 24, 2004.**

Councilmember Simillion moved and Councilmember Duba seconded the motion to approve the Regular Session minutes of August 24, 2004, as submitted.

Roll call vote, yes: Simillion, Stone, Smits, Duba. So carried.

Roll call vote, no: None.

Roll call vote, abstain: Ferguson. He was absent from the meeting.

Pre-Scheduled Citizens:

Tammy Scott, Re: Update on Gunnison Chamber of Commerce. Ms. Scott came forward and addressed Council. She reviewed the status of the Gunnison and Crested Butte Chambers. At this point in time, the merger is on hold as the two Chambers' Boards are not in agreement with the proposed financing mechanisms. The two Chambers have agreed to work together for the next 12 to 16 months and then review the situation before sending the merger issue to their memberships for a vote. The Crested Butte Chamber currently has a director vacancy. Ms. Scott then reviewed the programs they offered in 2004. In 2004, they added 2 job fairs, a fundraising dog show, and created WSC Welcome Bags for the students. Lastly, Ms. Scott presented a cost of living study that is conducted by the Gunnison Chamber. The cost of living in Gunnison is compared to information gathered nationally by ACCRA. Council thanked Ms. Scott for the cost of living study and stated it is a useful tool, especially for the upcoming updating of the City's Master Plan.

Lynn Cudlip and Tyler Martineau, Re: Update on Coal Creek Watershed Coalition Activities. Ms. Cudlip came forward and addressed Council. Mr. Martineau was unable to attend. The Coal Creek Watershed Coalition is working on resolving environmental issues concerning the Standard Mine, located above the Town of Crested Butte. Trace metals, particularly cadmium and zinc have been found in higher than allowed concentrations, in two sections of Coal Creek, a tributary to the Town's drinking water supply. The US EPA has considered designating the Standard Mine as a Superfund Cleanup Site. Declaration of the site as a Superfund Site poses some notoriety for the community. One problem with the site is that it has multiple owners. The EPA is requesting support from local communities and will be holding a public meeting on the issue in the future. The Coalition has applied for and has received "319 Funds" to conduct a watershed plan that includes a cost analysis and procedure study to initiate cleanup of the mine site.

Councilmember Stone asked Ms. Cudlip for the City to be placed on the list for future contacts on this issue. Council thanked Ms. Cudlip for her informative presentation.

Wanda Brink and Citizens Task Force for Responsible Game Management, Re: Hunting Season Issues. Ms. Brink came forward and addressed Council. She informed Council the Wildlife Commission will make their decision about making all of the local hunting Game Management Units as draw only units. Ms. Brink stated their Task Force represents the "average guy" and includes ranchers, outfitters, landowners and local hunters. The Wildlife Commission has set a public meeting in Colorado Springs on November 17 and 18th and the Citizens Task Force is asking for City Council to submit a position letter to the Wildlife Commission dealing with the economic impact of the proposed changes on the community.

Mayor Ferguson asked this item be placed on a future work session agenda where all interested parties can be in attendance. These groups would include the Citizens Task Force, the Outfitters Group that came before Council several months ago and representatives from the Division of Wildlife. Councilmember Stone stated he would like to receive comments from the GVEDC, Main Street Committee, and the Chamber on how this issue would affect local businesses. Council thanks Ms. Brink for her presentation.

Unfinished Business:

Appointment to Fill Vacancy on Planning & Zoning Commission (tabled from August 24, 2004 meeting). Councilmember Smits stated he felt both applicants were qualified for the Planning Commission vacancy. He has the highest regard for Ms. Hart, having served on several committees with her, however he is hesitant to appoint her due to her employment with Wal-Mart. There are going to be many issues dealing with a proposed new Wal-mart come before the Commission in the upcoming months and she would have to recuse herself from those discussions. Councilmember Smits feels it is imperative to have a full voting Commission during these votes.

Councilmember Smits moved and Councilmember Duba seconded the motion to appoint Jonathan Houck to fill the vacancy on the Planning and Zoning Commission with a term to expire May 16, 2006, and to reappoint Kai Allen as the City's representative to the Gunnison County Land Preservation Board with a term to expire in January, 2006.

Roll call vote, yes: Stone, Smits, Duba. Carried by majority.
Roll call vote, no: Ferguson, Simillion.

Council thanked Mr. Houck, Mr. Allen and Ms. Hart for their willingness to serve.

Planned Unit Development Requirement for Large-Scale Retail Developments Ordinance Response from Planning & Zoning Commission. Community

Development Director Westbay addressed Council. The Planning & Zoning Commission met on September 8th and discussed Council's request for the Commission to initiate an ordinance that would move all commercial retail buildings over 50,000 sq. ft. to be processed as Planned Unit Developments (PUDs). Director Westbay gave an overview of the meetings and discussions that have taken place. In light of the Council's passage and adoption of the Moratorium Ordinance on the processing of large-scale retail developments, the Planning Commission believes the PUD ordinance is no longer applicable at this time. They are requesting Council withdraw their request to prepare said ordinance.

Councilmember Stone stated the Council had directed Staff and the Planning Commission to prepare not initiate the PUD ordinance.

Councilmember Stone moved and Councilmember Simillion seconded the motion to withdraw the request of August 10, 2004, asking Staff and the Planning Commission to prepare an ordinance that would require all new buildings over 50,000 sq. feet to be processed as Planned Unit Developments.

Councilmember Duba stated the ordinance would be premature and the process should be sorted out in the Master Plan and LDC reviews.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.
Roll call vote, no: None.

New Business:

2005 Western Area Power Contract. This item was discussed at the Work Session on September 7, 2004. Electric Supervisor Bradford stated the contract with WAPA has been changed to reflect the adjustment in the City's allocation of hydroelectric power. There is an approximate one-third reduction in the number of kilowatt hours in 2005.

Councilmember Stone moved and Councilmember Simillion seconded the motion to accept Western Area Power Administration Contract No. 87-SLC-0045 Exhibit A, Revision No. 5, and authorize the Mayor to sign said Contract.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.
Roll call vote, no: None.

Action on Local Law Enforcement Block Grant Application for In-Car Video Systems. This item was discussed in the Work Session prior to this meeting.

Councilmember Smits moved and Councilmember Duba seconded the motion to authorize the Mayor to sign the Local Law Enforcement Block Grant for the acquisition, installation and implementation of two in-car video systems.

Roll call vote, yes: Duba, Simillion, Stone, Ferguson, Smits. So carried.

Roll call vote, no: None.

Councilmember Duba thanked Chief Keehne for pursuing grant dollars.

Ordinance and Resolutions:

Ordinance No. 9, Series 2004, Re: Setting a Six Month Temporary Suspension on the Processing of Large Scale Retail Developments over 50,000 Square Feet, 2nd Reading.

Councilmember Duba introduced Ordinance No. 9, Series 2004, and asked that it be read by title only by the City Attorney.

Councilmember Stone moved and Councilmember Simillion seconded the motion that Ordinance No. 9, Series 2004, **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON ESTABLISHING A TEMPORARY SUSPENSION OF THE PROCESSING OF APPLICATIONS FOR RETAIL “SUPERSTORES” WITHIN THE CITY OF GUNNISON FOR A PERIOD OF SIX MONTHS**, be introduced, read, passed and adopted on second reading this 14th day of September, 2004.

Councilmember Duba stated we’ve come a long way with a great deal of citizen input. We need more input on the Master Plan and LDC review process.

Mayor Ferguson stated it is critical to get a list of tasks accomplished during the six month period. Community Development Director Westbay came forward and distributed a memo and timeline to Council and the public outlining tasks and proposed completion dates.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Ordinance No. 11, Series 2004, Re: Vacation of a Portion of Railroad Avenue and Portions of 14th Street and Boulevard Street Lying Adjacent to Block 15, Rio Grande Addition, 1st Reading.

Councilmember Stone introduced Ordinance No. 11, Series 2004, and it was read by title only by the City Attorney.

Councilmember Duba moved and Councilmember Simillion seconded the motion that Ordinance No. 11, Series 2004, **AN ORDINANCE VACATING THAT PORTION OF RAILROAD AVENUE AND PORTIONS OF 14TH STREET AND BOULEVARD STREET LYING ADJACENT TO BLOCK 15, RIO GRANDE ADDITION TO THE CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, AND RESERVING AN UNDERGROUND UTILITY EASEMENT THEREIN**, be introduced, read, passed and ordered published on first reading this 14th day of September, 2004.

City Attorney Landwehr stated the County has asked for some modifications to the Intergovernmental Agreement. The cul-de-sac will not be paved immediately. Also, the curb and gutter adjacent to B & L Holdings will be a 50/50 basis between the City and the County. The City Attorney stated the changes will be made prior to 2nd reading of the ordinance.

Roll call vote, yes: Stone, Ferguson, Smits, Duba, Simillion. So carried.

Roll call vote, no: None.

City Attorney: City Attorney Landwehr gave Council information on how they might proceed if they wanted to call a special election on large-scale retail developments. A special election can be called to ask a binding or a non-binding question. A non-binding ballot question would not obligate the Council. The election could be held within a couple of months. A binding ballot question would require the development of a referred ordinance based on studies on how the

large scale development would adversely affect the economic, social or environment conditions of the community. The binding ballot question would take three to four months to develop. The City Attorney's question to Council is, how do they want to proceed? Discussion ensued.

Councilmember Stone stated the non-binding vote would be a tool for Council to gauge where the citizens want to go. It's a piece needed in the overall evaluation to get comment from the populous.

Mayor Ferguson and Councilmember Stone asked for input from City Staff, the Planning & Zoning Commissioners, Master Plan consultants and the Task Force on the possible election and to see how the election would fit into the Master Plan/LDC review process. Community Development Director Westbay informed Council the Consultants will be conducting 400 telephone survey interviews and they will be asking several questions on large scale retail development. There is an approximate 95% accuracy with the survey. This will also be a tool for Council to use to evaluate the opinion of the citizens. This information should be available by the end of October.

Councilmember Stone asked this topic be discussed at a Work Session prior to the Regular Session on September 28th. Mayor Ferguson concurred and stated he would like to see a good product rather than a fast product.

The second item brought up by the City Attorney is a letter from City Water Attorney Timothy Beaton asking for direction from Council regarding the Upper Gunnison River Water Conservancy District's application for recreational instream flows. Attorney Beaton would like to file a two page "Joinder in Brief" document supporting the UGRWCD application. Mr. Beaton reviewed this case with Council when he appeared on September 7th.

Councilmember Stone moved and Councilmember Duba seconded the motion to instruct and authorize City Water Attorney Timothy Beaton to file the "Joinder in Brief" document supporting the Upper Gunnison River Water Conservancy District's application for recreational instream flows, Case No. 02CW038.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.
Roll call vote, no: None.

City Attorney Landwehr then informed Council, that Mr. Beaton would like to file the Statements of Opposition on behalf of the City in the two matters concerning the Union Park Reservoir Cases. These involve diligence application change of conditional water rights with the water to be used in hydroelectric power generation in Union Park.

Councilmember Stone moved and Councilmember Smits seconded the motion to instruct and authorize City Water Attorney Timothy Beaton to file the Statements of Opposition on behalf of the City in Union Park Reservoir Case No.s 04CW119 and 04CW120.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.
Roll call vote, no: None.

City Manager: Mark Collins. 1. Informed Council that Planner Kim Antonucci has developed an extensive e-mail list for information dispersal on moratorium and planning issues. 2. The annual budget work session is next Tuesday evening, September 21st, starting with a light dinner at 5:00 P.M. followed immediately by the meeting. 3. The Chamber After Hours is on Thursday, September 23. Tim and Diane Mueller, the owners of the ski area, will be in attendance. The event is the same evening as the City Employee Picnic which will begin at 5:00 PM at the softball complex at Jorgensen Park. 4. There will be a Community Center meeting this Friday at 10:00 A.M. All of the subcontractors should be in attendance. More value engineering will take place. 5. The September Mayors'/Managers' meeting will be this Thursday at noon in Crested Butte.

Acting City Manager: Dan Ampietro – Parks & Recreation Director. Informed Council the fall recreation programs have started in earnest. He will give his departmental report at the next Regular Session.

City Clerk: Gail Davidson. Reminded Council of the District 10 regional meeting in Telluride on September 29. Also, the City has two scholarships available to the CCRA Conference in Ft. Collins if any of Council would like to attend.

City Clerk Davidson then referred Council to a letter placed on their desks this evening concerning a request from Mark Stiger for a Letter of Support for his application to the Colorado State Historic Society for grant funds for the Tenderfoot and Mountaineer Archaeological sites.

Councilmember Duba moved and Councilmember Simillion seconded the motion to approve the Letter of Support to the Colorado State Historical Society for grant funds for the Tenderfoot and Mountaineer Archaeological sites and authorize the Mayor to sign said letter.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.

Roll call vote, no: None.

WSC Intern: Matt Johnston. Was absent.

Non-Scheduled Citizens:

Community Development Director Westbay informed Council that a series of outreach meetings are scheduled for next week around the community to get input for the Master Plan update.

General Discussion/Items for Work Session:

Councilmember Simillion: Asked the City Manager to look into the road elevation problem by Coleman Trucking. The City Manager stated he would get with the Public Works Director.

Councilmember Duba: Stated there are new personnel on the Gunnison Housing Authority. He asked if the GHA had submitted a request for 2005 funds. Finance Director Hanson stated she had contacted them but no request had been received thus far. He also asked that GHA Interim Director Kristin Will be added to Planner Antonucci's e-mail list. Lastly, Councilmember Duba stated he strongly encourages the GVEDC, the Chamber, the Gunnison Main Street Group and representatives of big-box retail to come to the table during discussions on the big box retail education components that are scheduled to be accomplished during the moratorium period.

Mayor Pro Tem Stone: Stated he may be late or absent at next week's Work Session due to a scheduling conflict.

Councilmember Smits: Informed Council that he, Paul and City Manager Collins attended the Tourism Association meeting last week. Accommodation taxes were only up 1% this past year. He also requested proclamations be prepared for employees Ronnie Ficklin and Keith Robinson who are celebrating 35 and 25 years respectively of employment with the City.

Mayor Ferguson: Thanked Council for covering for him during his recent absence.

Adjournment: The meeting adjourned at 8:23 P.M.

Mayor

City Clerk